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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

WESTERN ORGANIZATION OF
RESOURCE COUNCILS, *et al.*,

Plaintiffs,

v.

UNITED STATES BUREAU OF
LAND MANAGEMENT,

Defendant.

Case No. 4:20-cv-76-BMM-JTJ

**INTERVENOR-DEFENDANT
WYOMING'S CROSS-MOTION
FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, Intervenor-Defendant State of Wyoming ("Wyoming"), by and through undersigned counsel, respectfully cross moves for summary judgment on all claims raised by Plaintiffs Western Organization of Resource Councils, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Center for Biological

Diversity, WildEarth Guardians, and Sierra Club (collectively, “Groups”) relating to the Buffalo, Wyoming Resource Management Plan Amendment (Buffalo RMPA).

The Groups brought this action under the National Environmental Policy Act (NEPA) and Administrative Procedure Act (APA) to challenge the environmental impact statement and decision for the Buffalo RMPA. (ECF No. 37 at 27). Cases involving review of a final agency action under the APA do not require fact finding on behalf of this Court. *Nw. Motorcycle Ass’n v. U.S. Dep’t of Agric.*, 18 F.3d 1468, 1471-72 (9th Cir. 1994). Because this case involves review of a final agency action resting on the Bureau’s administrative record, this Court excused the Parties from preliminary pretrial and discovery procedures, unless otherwise ordered. (ECF No. 38 at 4). Furthermore, the Parties stipulated that statements of disputed/undisputed facts, as required by D. Mont. L.R. 56.1, are not applicable in this matter.

For the reasons set forth in its accompanying memorandum, Wyoming requests that this Court deny the Groups’ motion for summary judgment, grant Wyoming’s cross motion for summary judgment, and affirm the Bureau’s analysis and decision for the Buffalo RMPA.

Dated this 23rd day of December, 2021.

/s/ Travis Jordan

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December, 2021, a true copy of the foregoing was served on all counsel via the Court's CM/ECF system.

/s/ Travis Jordan

Travis Jordan
Assistant Attorney General